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SURFACE RIGHTS BOARD

SEVENTEENTH ANNUAL REPORT

1988

Alberta
Surface Rights
Board

SEVENTEENTH ANNUAL REPORT

of the

SURFACE RIGHTS BOARD

appointed under

the SURFACE RIGHTS ACT

for the year 1988

C.J. (CEC) PURVES

CHAIRMAN

L.N. MILLER

VICE-CHAIRMAN

MEMBERS:

J.J. Leddy

A.D. MacKenzie

W.D. Fisher

T.A. Champion

Executive Director
and
Secretary to Board

92-00164/

Honourable Shirley Cripps
Associate Minister of Agriculture
Room 319, Legislature Building
EDMONTON, Alberta
T5K 2B6

Madam:

I have the honor to submit the Seventeenth Annual Report of the Surface Rights Board for the calendar year 1988.

Two Board Members took early retirement through the Early Retirement Incentive Program. In 1988 a new Board Member was added and the Board now consists of the Chairman, Vice-Chairman and three Board Members, a decrease of one from 1987.

During the year I continued our policy of making myself as Chairman and our Members available to attend or speak as requested from any organization. I attended in Calgary at the Canadian Institute of Resources Law (Faculty of Law, University of Calgary) and spoke to the second year law students. I also attended with the Vice-Chairman a seminar put on by the Institute to bring all the participants (landowners, operators, landmen, lawyers) together for an open discussion on problems as seen by each of the players. The meeting was well attended and many ideas put forth.

At the request of the Chairman of the Energy Resources Conservation Board, I have held meetings with him and his staff to address problems put forth both by landowners and operators on administrative problems. We were also asked to attend in the Caroline area hearings on the sour gas field.

Mr. Champion, our Executive Director and myself attended a conference held by C.C.A.T. in Ottawa for discussions and seminars on administrative tribunals.

I also attended meetings with various Surface Rights organizations throughout the Province.

The trend is still down on the number of hearings on a percentage 1988 - 2.3%, 1987 - 3.5% of Energy Resources Conservation Board well licences issued. This is healthy and I believe indicates a growing stability in the field of compensation.

The number of orders issued in 1988 totalled 2,947 the breakdown of which is as follows:

Right of Entry:	Mineral Recovery	167
	Power Transmission Lines ..	6
	Pipelines	127
	Coal.....	1
	SUBTOTAL ...	298
Compensation		263
Termination		141
Rescission		30
Amending		1446
Order Determining Costs		4
Partial Termination		30
Termination of P.U.B. Order		1
Varying Rate of Compensation		354
Varying Rate of Compensation and Amending ...		380
		2947

Attached also is Chart Number 15 indicating the number and type of applications filed with the Board compared to the number and type of licences issued by the E.R.C.B. We have included percentages where meaningful.

Respectfully submitted.

C. J. (Cec) Purves
Chairman

STATEMENT 1

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR RIGHT OF ENTRY FOR OIL AND GAS
dealt with in 1988

	CROWN	PRIVATE	TOTAL
APPLICATIONS:			
Carried over from previous year	13	43	56
Received during the year	73	121	194
	86	164	250
APPLICATIONS DISPOSED OF:			
Right of Entry granted			
- compensation determined	39	91	130
- settled independently of Board	14	31	45
No Right of Entry granted			
- application withdrawn	2	5	7
- settled privately	6	11	17
	61	138	199
APPLICATIONS OUTSTANDING:	25	26	51

STATEMENT 2

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR RIGHT OF ENTRY FOR PIPELINES
dealt with in 1988

	CROWN	PRIVATE	TOTAL
APPLICATIONS:			
Carried over from previous year	3	50	53
Received during the year	42	99	141
	45	149	194
APPLICATIONS DISPOSED OF:			
Right of Entry granted			
- compensation determined	12	93	105
- settled independently of Board	0	16	16
No Right of Entry granted			
- application withdrawn	2	2	4
- settled privately	0	21	21
	14	132	146
APPLICATIONS OUTSTANDING:	31	17	48

STATEMENT 3

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR RIGHT OF ENTRY FOR POWER TRANSMISSION LINES
dealt with in 1988

	CROWN	PRIVATE	TOTAL
APPLICATIONS:			
Carried over from previous year	4	11	15
Received during the year	2	4	6
	6	15	21
APPLICATIONS DISPOSED OF:			
Right of Entry granted			
- compensation determined	6	11	17
- settled independently of Board	0	1	1
No Right of Entry granted			
- application withdrawn	0	1	1
- settled privately	0	0	0
	6	13	19
APPLICATIONS OUTSTANDING:	0	1	1

STATEMENT 4

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR RIGHT OF ENTRY FOR COAL AND OTHER
dealt with in 1988

	CROWN	PRIVATE	TOTAL
APPLICATIONS:			
Carried over from previous year	0	1	1
Received during the year	0	0	0
	0	1	1
APPLICATIONS DISPOSED OF:			
Right of Entry granted			
- compensation determined	0	0	0
- settled independently of Board	0	0	0
No Right of Entry granted			
- application withdrawn	0	0	0
- settled privately	0	0	0
	0	0	0
APPLICATIONS OUTSTANDING:	0	1	1

STATEMENT 5

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT FOR ALL APPLICATIONS FOR RIGHT OF ENTRY dealt with in 1988

	CROWN	PRIVATE	TOTAL
APPLICATIONS:			
Carried over from previous year	20	105	125
Received during the year	117	224	341
	137	329	466
APPLICATIONS DISPOSED OF:			
Right of Entry granted			
- compensation determined	57	196	253
- settled independently of Board	14	48	62
No Right of Entry granted			
- application withdrawn	4	8	12
- settled privately	6	32	38
	81	284	365
APPLICATIONS OUTSTANDING:	56	45	101

STATEMENT 6

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR TERMINATION OF RIGHT OF ENTRY IN FULL
dealt with in 1988

	CROWN	PRIVATE	TOTAL
APPLICATIONS RECEIVED:			
Carried over from previous year	0	7	7
Received during the year	49	91	140
	49	98	147
APPLICATIONS DISPOSED OF:			
Request for termination granted	46	95	141
Request for termination withdrawn	0	0	0
	46	95	141
APPLICATIONS OUTSTANDING:	3	3	6

STATEMENT 7

SURFACE RIGHTS BOARD

SUMMARY OF APPLICATIONS UNDER THE SURFACE RIGHTS ACT
FOR TERMINATION IN PART OF RIGHT OF ENTRY
dealt with in 1988

	CROWN	PRIVATE	TOTAL
APPLICATIONS RECEIVED:			
Carried over from previous year	0	0	0
Received during the year	14	21	35
	14	21	35
APPLICATIONS DISPOSED OF:			
Request for termination in part granted	13	20	33
Request for termination in part withdrawn ...	0	0	0
	13	20	33
APPLICATIONS OUTSTANDING:	1	1	2

STATEMENT 8

SURFACE RIGHTS BOARD

SUMMARY OF RATE OF COMPENSATION REVIEWS
PURSUANT TO SECTION 27 OF THE SURFACE RIGHTS ACT
dealt with in 1988

APPLICATIONS RECEIVED:

Carried over from previous year	16
Received during the year	142
	158

APPLICATIONS DISPOSED OF:

Heard and compensation determined	32
Settled independently of Board	87
Withdrawn	0
Rejected - lack of jurisdiction	0
	119

APPLICATIONS OUTSTANDING: 39

STATEMENT 9

SURFACE RIGHTS BOARD

SUMMARY OF RATE OF COMPENSATION REVIEWS
PURSUANT TO SECTION 29 OF THE SURFACE RIGHTS ACT
dealt with in 1988

APPLICATIONS RECEIVED:

Carried over from previous year	7
* Received during the year	0
	7

APPLICATIONS DISPOSED OF:

Heard and compensation determined	0
Settled independently of Board	4
Withdrawn	3
Rejected - lack of jurisdiction	0
	7

APPLICATIONS OUTSTANDING: 0

* All applications received after July 1, 1987, were dealt with under Section 27 as a result of the amendments of the Surface Rights Act.

STATEMENT 10

SURFACE RIGHTS BOARD

SUMMARY OF RATE OF COMPENSATION REVIEWS
PURSUANT TO SECTION 30 OF THE SURFACE RIGHTS ACT
dealt with in 1988

APPLICATIONS RECEIVED:

Carried over from previous year	1
* Received during the year	0
	1

APPLICATIONS DISPOSED OF:

Heard and compensation determined	0
Settled independently of Board	0
Withdrawn	1
Rejected - lack of jurisdiction	0
	1

APPLICATIONS OUTSTANDING: 0

* All applications received after July 1, 1987, were dealt with under Section 27 as a result of the amendments of the Surface Rights Act.

STATEMENT 11

SURFACE RIGHTS BOARD

SUMMARY OF SETTLEMENTS OF DISPUTES
PURSUANT TO SECTION 33 OF THE SURFACE RIGHTS ACT
dealt with in 1988

APPLICATIONS RECEIVED:	
Carried over from previous year	3
Received during the year	7
	10
APPLICATIONS DISPOSED OF:	
Heard and compensation determined	2
Settled independently of Board	4
Withdrawn	
Rejected - lack of jurisdiction	
	6
APPLICATIONS OUTSTANDING:	4

STATEMENT 12

SURFACE RIGHTS BOARD

SUMMARY OF ALL APPLICATIONS FOR RECOVERY OF RENTAL PURSUANT TO SECTION 39 OF THE SURFACE RIGHTS ACT dealt with in 1988

APPLICATIONS RECEIVED:	
Carried over from previous year	38
Received during the year	206
	244
APPLICATIONS DISPOSED OF:	
Completed:	
Paid by Provincial Treasurer	94
Paid by Operator	47
Rejected - lack of jurisdiction	1
Discontinued	35
	177
APPLICATIONS OUTSTANDING:	67

STATEMENT 13

SURFACE RIGHTS BOARD

SUMMARY OF BOARD HEARINGS DURING 1988

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTALS
NO. OF APPLICATIONS SCHEDULED	44	59	55	26	42	52	37	31	36	41	40	35	498
NO. OF APPLICATIONS RESCHEDULED	17	6	13	5	12	16	8	5	5	9	12	2	110
NO. OF APPLICATIONS SETTLED	10	8	7	2	14	14	12	9	3	4	8	11	102
NO. OF APPLICATIONS ADJOURNED	1	0	0	2	0	0	0	0	1	0	1	1	6
NO. OF APPLICATIONS POSTPONED	1	0	0	1	0	0	0	1	1	0	2	0	6
TOTALS	29	14	20	10	26	30	20	15	10	13	23	14	224
NO. OF APPLICATIONS HEARD AND COMPLETED													
Mineral Recovery	5	20	13	13	10	17	6	8	10	10	9	5	126
Pipelines	7	17	18	0	4	5	1	3	13	16	4	15	103
Power Transmission lines	0	1	0	0	0	0	3	0	0	1	2	0	7
Objections	0	0	0	0	0	0	0	0	0	0	0	0	0
Damages	2	0	0	1	0	0	0	0	0	0	0	0	3
Reviews	0	7	2	3	1	0	3	5	3	1	2	1	28
Costs	0	0	2	0	0	0	0	0	0	0	0	0	2
Inquiries	0	0	0	0	0	0	4	0	0	0	0	0	4
Coal Mines	0	0	0	0	0	0	0	0	0	0	0	0	0
Expropriation	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	1	0	0	0	0	0	0	0	0	0	0	0	0
TOTALS	15	45	35	16	16	22	17	16	26	28	17	21	274

STATEMENT 14

1988 APPEALS

Outstanding Appeals Prior to year end of 1985		5
Outstanding Appeals Prior to year end of 1986		11
Outstanding Appeals Prior to year end of 1987		35
Outstanding Appeals Prior to year end of 1988		43
Appeals received during 1988		19
Total Appeals		113
Less: Appeals Abandoned, Settled or Withdrawn		
Appeals filed prior to 1985	2	
Appeals filed in 1985	5	
Appeals filed in 1986	15	
Appeals filed in 1987	11	
Appeals filed in 1988	4	
Subtotal		37
Less: Court Action in 1988		
Heard: Board's award upheld or confirmed		
On Appeals filed prior to 1985	1	
On Appeals filed in 1985	0	
On Appeals filed in 1986	10	
On Appeals filed in 1987	6	
On Appeals filed in 1988	3	
Heard: Board's award Increased		
On Appeals filed prior to 1985	0	
On Appeals filed in 1985	0	
On Appeals filed in 1986	0	
On Appeals filed in 1987	0	
On Appeals filed in 1988	0	
Heard: Board's award Decreased		
On Appeals filed prior to 1985	0	
On Appeals filed in 1985	2	
On Appeals filed in 1986	6	
On Appeals filed in 1987	1	
On Appeals filed in 1988	0	
Subtotal		29
Appeals Outstanding at year end		47

STATEMENT 15

SURFACE RIGHTS BOARD

NUMBER OF E.R.C.B. PERMITS AND WELL LICENCES
COMPARED
TO SURFACE RIGHTS BOARD APPLICATIONS

1988	E.R.C.B.	SURFACE RIGHTS BOARD	PERCENTAGE
Well Licences	7,163	167	2.3
Pipeline Permits	2,106	148	7.0
1987			
Well Licences	5,426	192	3.5
Pipeline Permits	1,991	109	5.4
1986			
Well Licences	4,620	141	3.1
Pipeline Permits	2,095	173	8.2
1985			
Well Licences	8,763	409	4.7
Pipeline Permits	2,127	272	12.8
1984			
Well Licences	7,178	383	5.4
Pipeline Permits	2,005	357	17.8

The E.R.C.B. processes approximately 100 applications per year in their Hydro and Power Line Divisions, but these include many applications for changes to existing structures such as substations, so a meaningful comparison to Surface Rights Board applications is not possible.